

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
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Monika Henzinger et al.)	Group Art Unit: 2176
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Application No.: 10/672,248)	Examiner: A. Rutledge
)	
Filed: September 29, 2003)	
)	
For: IDENTIFICATION OF WEB SITES)	
THAT CONTAIN USER SESSION)	
IDENTIFIERS)	

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants hereby request that a panel of Examiners formally review the legal and factual basis of the rejection in the above-identified application prior to the filing of an Appeal Brief. Applicant asserts that the outstanding rejections are clearly improper and based upon errors in fact.

Claims 1-8, 10, 12-21, 23-26, and 28-30 are pending in this application. These claims were rejected in the Final Office Action of January 18, 2007 under 35 U.S.C. § 103(a) as being unpatentable over the PCT International Publication Number WO 03/017023 to Galai et al. (“Galai”) in view of U.S. Patent Number 6,665,658 to DaCosta et al. (“DaCosta”).

Independent claims 1, 10, 15, 21, and 26 each recite, among other things, determining whether a web site uses “session identifiers.” A session identifier, as is known in the art and is consistently used in the pending specification, refers to embedded information within the URL of a web page. (See Spec., for example, paragraphs 0006, 0042, and 0043; and Fig. 5). Session identifiers are commonly used by web sites to track user behavior as they traverse a web site. Fig. 5 of the specification illustrates examples of the presence of session identifiers in URLs. (Spec., paragraph 0042 and Fig. 5).

Claim 1 is directed to a method that includes receiving a uniform resource locator (URL) and receiving at least two different copies of a document associated with the URL. The method

further includes determining whether a web site corresponding to the URL uses session identifiers based on a comparison of URLs that are within the document and that change between the at least two different copies of the document, where the web site is determined to use session identifiers when a portion of the URLs that change between the at least two different copies of the document is greater than a threshold. Applicants submit that the rejection of claim 1 based on Galai and DaCosta under 35 U.S.C. § 103(a) contains clear factual and legal deficiencies with respect to the disclosure of Galai and should be withdrawn.

Galai is directed to “a system and a method for automatically extracting content from a document such as a Web page, and for submitting such content to a search engine.” (Galai, page 4, lines 3-5.) At pages 20 and 21, Galai discusses a technique for “normalizing the URI of the document, such as the URL of a web page ... in order to index substantially similar Web pages only once.” (Galai, page 20, lines 10-14.) The Examiner relies on this section of Galai (i.e., pages 20 and 21 of Galai) to disclose much of, as recited in claim 1, “determining whether a web site corresponding to the URL uses session identifiers based on a comparison of URLs that are within the document and that change between the at least two different copies of the document, where the web site is determined to use session identifiers when a portion of the URLs that change between the at least two different copies of the document is greater than a threshold.” (Final Office Action, page 3).

Applicants submit that the Examiner’s interpretation of Galai contains clear factual deficiencies. Specifically, contrary to the Examiner’s interpretation of Galai, Galai does not make a determination “when a portion of the URLs that change between the at least two different copies of the document is greater than a threshold,” as recited in claim 1 (emphasis added).

As noted by the Examiner, Galai appears to disclose comparing a web page with a second web page, which was accessed with a reduced version of the URL used to access the first web page, to determine if the two web pages are similar. (Final Office Action, page 3 and Galai, page 20, lines 13-20). Galai notes that if the two web pages are similar, this may indicate that the parameter (i.e., a divisible subunit of a URL) used to reduce the URL is redundant. (Galai, page 20, lines 21 and 22). Galai, however, clearly discloses that that procedure is based on a comparison of the two web pages. Galai discloses additional details about the techniques used for comparing web pages at page 21. (See Galai, page 21, lines 5-20). For example, Galai

discloses that the web page comparison function may be based on a comparison for similarity in content or a comparison for visual similarity.

Comparing a web page for similarity in content or visual similarity, as disclosed by Galai, however, cannot be said to disclose or suggest determining whether a web site corresponding to a URL uses session identifiers “based on a comparison of URLs that are within the document and that change between the at least two different copies of the document, where the web site is determined to use session identifiers when a portion of the URLs that change between the at least two different copies of the document is greater than a threshold,” as recited in claim 1 (emphasis added). A comparison function that “checks for similarity in content and more preferably produces a similarity level, which is the likelihood of the two Web pages to have the same content,” as described by Galai at page 21, lines 4-7, does not disclose or suggest the determination recited in claim 1.

In the Final Office Action of January 18, 2007, the Examiner additionally points to portions of page 27 and 28 as disclosing “comparing a portion of the URLs that change between the two copies of the document and determining a similarity based on a predetermined value of the portion of the URLs that change.” (Final Office Action, page 3.) Pages 27 and 28 of Galai disclose material similar to that disclosed at pages 20 and 21 of Galai. Specifically, Galai discloses comparing the content of a web page to determine similarity or comparing visual layout characteristics to determine similarity. (Galai, page 27, line 14 through page 28, line 21.) These sections of Galai, however, do not disclose or suggest making a determination “when a portion of the URLs that change between the at least two different copies of the document is greater than a threshold,” as recited in claim 1. Comparing the “content” of documents, as described by Galai, clearly does not disclose or suggest this feature of claim 1.

Applicants submit that DaCosta does not cure the above-noted deficiencies of Galai. Accordingly, Galai and DaCosta, even if combined as the Examiner suggests, still would not disclose or suggest each of the features recited in amended claim 1. Accordingly, the rejection of claim 1 under § 35 U.S.C. 103(a) based on Galai and DaCosta contains clear factual and legal deficiencies with respect to the disclosure of Galai and should be withdrawn.

The rejection of dependent claims 2-8 based on Galai and DaCosta should also be withdrawn, at least by virtue of the dependency of these claims from claim 1. Additionally, these

claims recite additional features that are not disclosed or suggested by Galai or DaCosta (see, for example, the arguments for claim 4 at page 14 of the Amendment filed on October 27, 2006).

Independent claim 10 is directed to a method for identifying web sites that use session identifiers. The method includes downloading at least two different copies of at least one document from a web site; extracting uniform resource locators (URLs) from the two different copies of the web document; comparing the extracted URLs of the two different copies of the document; and determining whether the web site uses session identifiers when the comparison indicates that at least a portion of the URLs change between the two different copies.

In rejecting claim 10, the Examiner uses rationale similar to that given when rejecting claim 1. Applicants disagree with the Examiner's interpretation of Galai. Galai does not disclose or suggest, as is recited in claim 10, determining whether a web site uses session identifiers when a comparison indicates that at least a portion of the URLs change between two different copies of the document. In fact, as discussed above, Galai does not make any determination whatsoever based on whether "at least a portion of the URLs change between the two different copies" of the document, as recited in claim 10.

Applicants submit that DaCosta does not cure the above-noted deficiencies of Galai. Accordingly, Galai and DaCosta, even if combined as the Examiner suggests, still would not disclose or suggest each of the features recited in claim 10. Accordingly, the rejection of claim 10 under § 35 U.S.C. 103(a) based on Galai and DaCosta contains clear factual and legal deficiencies and should be withdrawn.

The rejection of dependent claims 12-14 based on Galai and DaCosta should also be withdrawn, at least by virtue of the dependency of these claims from claim 10. Additionally, these claims recite additional features that are not disclosed or suggested by Galai or DaCosta (see, for example, the arguments for claim 12 at page 16 of the Amendment filed on October 27, 2006).

Independent claim 15 is directed to a device that includes, *inter alia*, "a session identifier component configured to determine whether the web site uses session identifiers based on a comparison of a portion of uniform resource locators (URLs) that change between different copies of at least one web document downloaded from the web site." Independent claim 21 is directed to a device that includes, *inter alia*, "means for determining whether the web site uses

session identifiers when the comparison indicates that at least a portion of the URLs change between the two different copies.” Independent claim 26 is directed to a computer-readable medium that includes programming instructions that when executed perform a method including, *inter alia*, “determining whether the web site uses session identifiers based on the comparison when the comparison indicates that at least a portion of the URLs change between the two different copies.” For reasons similar to those given above for claims 1 and 10, Applicants submit that Galai and DaCosta, either alone or in combination, do not disclose or suggest at least these features of claims 15, 21, and 26. The rejection of these claims contains clear factual and legal deficiencies and should be withdrawn.

The rejection of dependent claims 16-20, 23-25, and 28-30 based on Galai and DaCosta should also be withdrawn, at least by virtue of the dependency of these claims from claim 10. Additionally, these claims recite additional features that are not disclosed or suggested by Galai or DaCosta (see, for example, the arguments for claim 19 at page 18 of the Amendment filed on October 27, 2006).

In view of the foregoing remarks, Applicants submit that clear deficiencies exist with respect to the rejections of claims 1-8, 10, 12-21, 23-26, and 28-30. Therefore, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,
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